

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 08-00263-01-CR-W-HFS
	)	
WILLIAM HAROLD LAURSEN,	)	
	)	
Defendant.	)	

**ORDER**

This prosecution involves child pornography, viewable by computer in defendant's residence. A motion to suppress has been filed, and heard by Judge Hays, based on challenges to law enforcement visitation of defendant in his home, an alleged search of the premises and checking the computer, acquisition of the computer, and admissions by defendant without a Miranda warning. The Government's response is that all challenged activities were consensual and uncoerced. The hearing established some reluctance and suspicion by defendant, but no arrest and nothing that can be characterized as legally involuntary.

Two particular elements of trickery are notable. Defendant claims that entry was permitted on a claim that law enforcement officials were investigating an immigration law violation. He contends that he permitted removal of the computer from his home on a claim that otherwise a search warrant would be obtained, whereas an opinion had been formed earlier that such a warrant was not obtainable because the information was stale.

An immigration law official was one of the two who gained entry, which could have been a cause of some confusion, but the claim of misrepresentation has been rejected by the Magistrate

Judge, and her findings will be accepted. Briefing does not develop the search warrant issue as unlawful because of impossibility, and it seems probable that information obtained before the computer was removed created a situation that was no longer stale.

Based on my review of the transcripts, the exhibits, the briefing and Report and Recommendation, I adopt the Report and Recommendation and DENY the motion to suppress.

/s/ Howard F. Sachs  
HOWARD F. SACHS  
UNITED STATES DISTRICT JUDGE

June 17, 2009

Kansas City, Missouri